

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-10 are currently pending in this application. No claims have been amended. It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112.

### **II. THE REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-4 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,444,560 to Jacklich ("Jacklich") in view of U.S. Patent No. 5,183,388 to Kumar ("Kumar").

Claims 1-10 are rejected under 35 U.S.C. §103(a) as being unpatentable by U.S. Patent No. 4,340,367 to Vadas ("Vadas") in view of Kumar. The rejections are traversed for at least the following reasons.

Claim 1, recites, *inter alia*:

"A device for ejecting a liquid or pasty product, comprising ...

... an articulated lever acting on the teeth of the drive cylinder ..., wherein the lever is connected to the body by means of a joint **comprising a pivot pin and a slot, the pivot pin adapted to elastically deform to engage the slot for facilitating attachment and dislocation of the lever with respect to the body without requiring a tool.**" (Emphasis added)

Neither Kumar, Vadas, nor Jacklich individually or combined teach or suggest a “lever” that “is connected to the body by means of a joint comprising a pivot pin and a slot, the pivot pin adapted to elastically deform to engage the slot for facilitating attachment and dislocation of the lever with respect to the body without requiring a tool” as recited in claim 1.

Applicants agree with the Examiner that neither *Vadas* nor *Jacklich* disclose all the features recited in claim 1.

As understood by Applicants, Kumar relates to an “orthodontic appliance” that discloses a hinge member which comprises a cylindrical shaft with one end having a larger width and another end containing a slot and hole. Kumar further discloses that the deformable pin can be inserted into the hole in order to hold or retain a wire inserted in the slot.

Kumar provides no teaching or suggestion to modify Jacklich or Vadas to use an elastically deformable pin in order to provide a means of attaching and removing the lever from the body. Kumar discloses a pin of “relatively soft material” that may be depressed into a hole “until its upper part deforms elastically.” However, the disclosure of Kumar differs significantly from the present invention as claimed. In Kumar, the deformable pin is not a pivot pin. In other words the deformable pin of Kumar does not form a joint; the pin is merely used to hold a wire in place. In addition, the deformable pin of Kumar is not inserted to engage the slot for facilitating attachment and dislocation of a lever. In Kumar the link between the shaft and the hole does not allow for rotation of the shaft. Furthermore there is no suggestion that the shaft disclosed in Kumar is movable. Therefore the Kumar pin operates in a completely different manner from the claim 1 as recited. Therefore we believe the prior art fails to teach or suggest the features of claimed invention. Applicants submit that claim 1 is patentable over the cited art.

Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

**V. DEPENDENT CLAIMS**

The other claims are dependent from independent claim 1, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

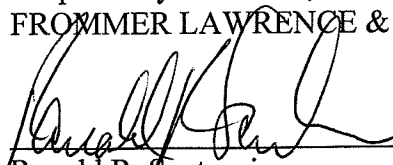
In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,  
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